

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RALPHAEL OKORO,

Plaintiff,

Civil Case No. 05-70269

-vs-

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

JEFF KRUEGER; JOHN HEMINGWAY;
(INDIVIDUALLY); T.A. ZAMORA; H.J.
MARBERRY; DIRECTOR OF PRISONS;
MICHAEL NALLEY; JANICE BONNEVILLE;
LT. D. TANEL; LT. BLACK,

Defendants.

**ORDER (1) ACCEPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION, AND (2) STRIKING DOCKET ENTRY 32 AND 34**

On August 16, 2005, this Court entered an order dismissing Plaintiff Raphael Okoro's ("Plaintiff") case in its entirety on the grounds that Plaintiff failed to demonstrate that he exhausted his administrative remedies prior to filing suit, as required in 42 U.S.C. § 1997e(a). Plaintiff filed a Motion for Reconsideration of the Court's Order, which the subsequently denied on September 9, 2005. Plaintiff then filed two pleadings, the first styled "THIS IS A SECOND RE-FILING OF THE WRIT OF MANDAMUS COMPLAINT, UPON EXHAUSTION OF ADMINISTRATIVE REMEDY," (Docket Entry 32) and a second document entitled "PLAINTIFF'S MOTION PURSUANT TO FED. R. CIV. P. 12(f), CITIZEN PROTECTION ACT OF 1998." (Docket Entry 34). The Court referred this matter to Magistrate Judge Morgan, who issued her Report and Recommendation ("R&R") on January 6, 2006.

Having considered the R&R, as well as any objections filed thereto,

IT IS HEREBY ORDERED that (1) the Magistrate Judge's recommendation is adopted and entered as the findings and conclusions of this Court; and (2) Docket Entry 32 and 34 are stricken from the record. This case was closed as of this Court's Order denying the Motion for Reconsideration, entered on September 9, 2005. Accordingly, Plaintiff's continued motions for relief in a closed case are not proper. As indicated in the Magistrate Judge's R&R, "[i]f Plaintiff wishes to reinstate and reopen his case, he must submit a proper motion with appropriate documentation." (R&R 2).

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: February 1, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on February 1, 2006.

s/Jonie Parker

Case Manager